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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91215674 |
| Party | Plaintiff Hint Incorporated |
| Correspondence Address | PETER BROMAGHIM BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BLVD, 7TH FLOOR LOS ANGELES, CA 90025-1040 UNITED STATES lori_kozak@bstz.com, garbo_tat@bstz.com, tm_filings@bstz.com, bstz_mail@bstz.com, pete_bromaghim@bstz.com |
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| Signature | /Lori S. Kozak/ |
| Date | 02/09/2015 |
| Attachments | 91215674 Reply Brief.pdf(92232 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| | | |
|-----------------------------|---|---------------------------|
| HINT, INC. |) | |
| |) | |
| Opposer, |) | Opposition Nos.: 91215674 |
| |) | |
| v. |) | |
| |) | |
| SUNRISE APPAREL GROUP, LLC, |) | Mark: HINT |
| |) | |
| Applicant |) | |
| |) | |

**OPPOSER’S REPLY BRIEF IN SUPPORT OF MOTION
FOR DEFAULT JUDGMENT AGAINST
APPLICANT SUNRISE APPAREL GROUP, LLC**

Opposer Hint, Inc. hereby replies to Applicant’s opposition to the motion for default and repeats its request that the motion for default against Applicant be granted. Opposer respectfully submits that Applicant has failed to “good cause” why default judgment should not be entered against it.

Applicant’s answer to the Notice of Opposition was due on July 10, 2014 by the Board’s order dated May 15, 2014, and it is clear from a simple review of the TTAB online opposition case history that the deadline was not further extended. Applicant did not file an Answer on or before that date, nor did it file an Answer for the **next six and a half months**. It is well settled that a motion for consolidation does not substitute or otherwise satisfy Applicant’s responsibility for filing an Answer. In fact, the Board will not generally even consider a motion to consolidate until an answer has been filed in each case sought to be consolidated and has not yet acted upon the current motion to consolidate. TBMP Section 511.

Applicant argues that it has been “actively engaged” in settlement negotiations with Opposer, yet Applicant has not provided any substantive responses to the proposed settlement since September of 2014. Applicant’s arguments that Opposer has failed to observe deadlines in the Consolidated Proceedings are also a red herring. In the Consolidated Proceedings (parent opposition no. 91212519) , the parties agreed to extend the discovery period until January 8, 2015, and a consent motion was filed with the Board. That is not the case in the current proceeding.

Opposer does not agree to consolidate the instant proceeding with any other proceeding, nor has it agreed that the Answer deadline should be extended in the instant proceeding. Opposer respectfully requests that the Board grant the motion for default judgment and deny the motion for consolidation.

However, IF Opposer’s motion for default judgement is denied for any reason, it respectfully requests that the remaining opposition deadlines beyond the Answer (deadline for discovery conference, opening of discovery, initial disclosures, etc.) be reset, so that the parties may proceed with discovery with an Answer in hand.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: February 9, 2015



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Attorneys for Opposer Hint, Inc.

PROOF OF SERVICE

I, Lori Kozak, hereby declare that I am employed by the law firm of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025-1040; that I am over 18 years of age and not a party to the within action; and that I served the following document: OPPOSER'S REPLY BRIEF IN SUPPORT OF MOTION FOR DEFAULT JUDGEMENT AGAINST APPLICANT SUNRISE APAREL GROUP, INC., relating to OPPOSITION NO. 91215674 this 9th day of February 2015, by causing a true copy to be deposited in the United States Mail, first class postage prepaid to Applicant at the following address:

Jill M. Pietrini
SHEPPARD MULLIN RICHTER & HAMPTON, LLP
1901 Avenue of the Stars, Ste 1600
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Date:

2/9/2015


Lori Kozak